

CITY OF MUSKEGON
PLANNING COMMISSION
SPECIAL MEETING
MINUTES

April 16, 2015

Board member J. Doyle called the meeting to order at 4:00 p.m. and roll was taken.

MEMBERS PRESENT: B. Mazade, S. Wisneski, J. Doyle, L. Spataro, S. Gawron, F. Peterson, B. Smith

MEMBERS ABSENT: B. Larson, excused; T. Michalski, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: D. VanRiper, 2411 Barclay; E. Sloan, 2407 Barclay; J. Huizenga, 102 Eugene; D. Boss, M. Landis, Parmenter O'Toole

APPROVAL OF MINUTES

A motion that the minutes of the special meeting of March 12, 2015 be approved, was made by S. Wisneski, supported by F. Peterson and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2015-06: Request for a Special Use Permit to allow a self-storage facility in a B-4, General Business District at 0 Barclay St (property numbers 24-036-400-0007-00, 24-036-400-0014-20, 24-036-400-0014-30), by Thaddeus Kling and Exit Your Way, LLC. M. Franzak presented the staff report. The current lot configuration of this area is split into four parcels. The first page of the site plan shows a proposed survey that splits the lots so that there will be three separate parcels in front, with a 66-foot ingress and egress drive to the north of the property. This easement will provide access to the residentially zoned parcel in the back. There are two property owners involved in this project, Exit Your Way, LLC and Thaddeus J Kling. Exit Your Way, LLC owns the southernmost parcel and the residentially zoned parcel in the back (west). The residentially zoned parcel was approved as a residential PUD; however, the project did not materialize and the time frame for the PUD has expired. The owner of the PUD parcel has provided a written statement to the Planning Department acknowledging that the PUD has expired. Mini-storage facilities are allowed as a Special Use in B-4 districts under certain conditions. This plan does not meet the following requirements: a) Direct access to a major thoroughfare (although it is located just off of Sherman Blvd); b) Only four parking spaces are provided, none of them located in Phase 1; and c) Lighting is not depicted. The required 10-foot landscaping berm is shown in front of the property. However, staff recommends that the rear of the property be landscaped as well, with large canopy and coniferous trees to screen the property

from future residential development to the west. Notice was given to property owners within 300 feet of the property; staff had not received any comments at the time of this writing.

L. Spataro had some concerns with the site plan, including the lack of a sidewalk, the minimal parking, and landscaping at the rear of the property. He stated that it was important to provide a buffer between this site and the adjacent residential area. D. VanRiper lived near the site and was opposed to the request, stating that it would be detrimental to the neighborhood. She stated that unattended places like that tended to draw a criminal element, it would increase traffic through the residential area, and displace wildlife in the wooded area. E. Sloan also lived in the area and stated that she was opposed to the request for similar reasons. J. Huizenga was the developer. He stated that they planned to create a nice facility with good security, and they were willing to landscape the property to help it fit in with the neighborhood. He also stated that it would increase the tax base for the City.

A motion to close the public hearing was made by B. Smith, supported by L. Spataro and unanimously approved.

B. Smith questioned the lack of parking spaces. J. Huizenga stated that this facility consisted of drive-up units where people would park in front of their unit to load or unload, which is why they didn't see a need to include a separate parking area. He also did not want excess parking drawing people to loiter there. L. Spataro believed that it was important to include a sidewalk on the property to improve walkability. S. Wisneski disagreed, stating that no other properties on the west side of Barclay had a sidewalk. L. Spataro pointed out that the City had been requiring sidewalks for new developments for the past several years.

A motion that the special land use permit, per Section 1301 of Article XIII of the Zoning Ordinance, to allow a mini-storage facility at 0 Barclay St (property numbers 24-036-400-0007-00, 24-036-400-0014-20, 24-036-400-0014-30), by Thaddeus Kling and Exit Your Way, LLC be approved based on compliance with the City's Master Land Use Plan and with the conditions that 1) Lighting with 100% cutoff is shown on the site plan, 2) Landscaping with canopy and coniferous trees is added to the rear of the property, and 3) The lot is split to reflect the proposed survey, which gives a 66-foot easement to lot #24-746-000-0000-00, was made by B. Mazade and supported by S. Wisneski, with discussion continuing on the motion. L. Spataro brought up the sidewalk issue and made a motion to amend the first motion to include the requirement to add a sidewalk on the property. The amended motion was supported by F. Peterson. S. Wisneski asked if the setback was far enough back to accommodate a sidewalk. M. Franzak stated that it was. J. Doyle asked if the 66-foot egress area would require a sidewalk also. L. Spataro stated that his motion did not take that into consideration, but it could be addressed at the time the property was developed.

A vote on the original motion to approve the special land use permit with the conditions listed above was taken and approved, with B. Mazade, S. Wisneski, J. Doyle, L. Spataro, S. Gawron, F.

Peterson, and B. Smith voting aye.

A vote on the amended motion to add a condition that a sidewalk be included on the property was taken and approved, with B. Mazade, S. Wisneski, J. Doyle, L. Spataro, S. Gawron, F. Peterson, and B. Smith voting aye.

Hearing, Case 2015-07: Request for several amendments to the Planned Unit Development (including, but not limited to, lot configurations, building height requirements and the removal of street lighting) at 650 Terrace Point Drive, by Terrace Point Landing, LLC. M. Franzak presented the staff report. The applicant has requested several revisions to the plan, including lot configurations, setback definitions and maximum building height. He had also requested the elimination of street lights, and instead proposed having porch lights on every property. Staff recommended against the elimination of the street lights. The applicant has since decided that he will install six street lights in 250-foot intervals throughout the property, and staff is comfortable with that. Information on the proposed street light design was provided. Lots 12 through 17 have been reconfigured to provide more buildable lots. The plan has been revised to clarify the side yard setback requirements with regard to eaves, uncovered steps, chimneys, etc. These minor items would be permitted to have only a 3-foot side yard setback, compared to a 5-foot setback for all other parts of the homes. There is a typo on #28 of the Sears Architects document: It should read that these items “**may** encroach into all side yard setbacks.” The plan also clarifies rear yard setback requirements with regard to waterfront vs. interior lots. Waterfront lines must be placed inside the 100 year floodplain, and interior lots must be set back at least 15 feet from the rear property line. The plan has also been revised to reflect a maximum building height of 45 feet with a maximum number of three stories, not including roof decks and access to them. The plan was previously approved for a maximum of two stories and 35 feet.

L. Spataro stated that, due to the characteristics of the soil on this site, many of the homes would not be able to have a basement. He asked if that was the reason for requesting the additional building height. D. Boss stated that was correct. M. Franzak stated that staff had been working on a street alignment issue, and he presented a statement that he requested be included in the motion: “the street alignment issue will be worked out by staff and approved by City Commission which may limit or eliminate the potential to build on lot 62.”

A motion to close the public hearing was made by B. Mazade, supported by S. Wisneski and unanimously approved.

A motion that the amendments to the final PUD for a residential development at 650 Terrace Point be approved pursuant to the determination of compliance with the intent of the City Zoning Ordinance and City Master Land Use Plan with the conditions that 1) Consumers Energy must prepare the street light plans and install as part of the City’s street light system, 2) The plan be revised to delete sections regarding the removal of the street lights and the addition of porch lights, and 3) the street alignment issue will be worked out by staff and approved by City Commission which may limit or eliminate the potential to build on lot 62, was made by L.

Spataro, supported by B. Mazade and unanimously approved, with B. Mazade, S. Wisneski, J. Doyle, L. Spataro, S. Gawron, F. Peterson, and B. Smith voting aye.

Hearing, Case 2015-08: Staff-initiated request to amend Section 2313 (Community Gardens) of the zoning ordinance and replace it with an urban farming ordinance. M. Franzak presented the staff report. The proposed ordinance has undergone additional changes since the last revision was emailed to board members in March. The proposed ordinance would allow community gardens to sell produce commercially without being considered a farm as long as the profits from the sales are put back into the organization that benefits the community. Urban Commercial Farms are strictly for-profit ventures. Community Gardens are principal uses permitted in B-1, B-5, MC, and all residential zones. Urban Commercial Farms would be allowed in the same districts, but would be required to obtain a Special Use Permit from the Planning Commission. This would involve a public hearing, and neighbors within 300 feet of the property would be notified. Also, Urban Commercial Farms may only be an accessory use to a property and must be located on a property that already has a house or a business. Urban Commercial Farms would not be allowed on vacant parcels; community gardens are allowed on vacant parcels. On-site sales would not be allowed unless the Community Garden or Urban Commercial Farm is located in a district that allows for commercial sales of goods. M. Franzak provided board members with an information sheet clarifying the differences between Community Gardens, Urban Commercial Farms, and Private Gardens.

B. Mazade observed that the ordinance would allow sales of produce, and asked about the Right To Farm Act implications. M. Landis, City Attorney, discussed her research on that issue with board members. She stated that it was highly unlikely that the Right To Farm Act would be invoked, since we were not dealing with GAAMPS. F. Peterson stated that many communities were struggling with this topic, and it was important to get an ordinance in place.

A motion to close the public hearing was made by F. Peterson, supported by L. Spataro and unanimously approved.

M. Franzak stated that F. Peterson pointed out that the suggested motion did not address private gardens. He asked that, when a motion was made, that it include private gardens as an allowed principal or accessory structure. B. Mazade stated that he still had concerns with the ordinance as proposed. Although he supported the notion of community gardens when they first became popular, he was concerned about allowing the sales of produce for profit. In addition, the ordinance did not cover what type of crops would be allowed. S. Wisneski was also concerned with allowing produce sales and Right To Farm Act implications. L. Spataro shared those concerns but believed that the proposed ordinance sufficiently addressed those, and was a reasonable compromise between balancing the needs of those who wanted to farm with those of the neighbors who wanted to live in a peaceful residential neighborhood.

A motion that the proposed amendment to Section 2313 of the City of Muskegon Zoning Ordinance, to replace the Community Gardens ordinance with the proposed Urban Farming

ordinance, and to amend the definition of Private Garden to include them as a principal or accessory use, be recommended to the City Commission for approval was made by L. Spataro, supported by S. Gawron and approved, with J. Doyle, L. Spataro, S. Gawron, F. Peterson, and B. Smith voting aye, and B. Mazade and S. Wisneski voting nay.

NEW BUSINESS

None

OLD BUSINESS

None

OTHER

There being no further business, the meeting was adjourned at 5:00 p.m.